

A RESOLUTION

02- R-1711

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE ALL CLAIMS OF ARTHUR AND MARY LEE FULMER, IN THE CASE OF ARTHUR and MARY LEE FULMER v. CITY OF ATLANTA, CIVIL ACTION NUMBER 00-vs-013235-G, IN THE STATE COURT OF FULTON COUNTY, GEORGIA, IN THE AMOUNT OF SEVENTY THOUSAND DOLLARS ( \$70,000.00).

WHEREAS, Arthur and Mary Lee Fulmer filed a lawsuit against the City of Atlanta on December 29, 2000, seeking in excess of \$450,00.00 in damages, with Mr. Fulmer alleging negligence arising out of a trip and fall accident on a cracked and uneven City sidewalk adjacent to the Underground Atlanta Parking Deck A and Mrs. Fulmer asserting a derivative loss of consortium claim; and

WHEREAS, the City's Motion for Summary Judgment was denied by the State Court of Fulton County on July 29, 2002 and the Plaintiff's Cross Motion for Summary Judgment was granted on that same date; and

WHEREAS, the City Attorney's office has thoroughly investigated the facts and circumstances involved in this matter and has determined that it is desirable and in the best interests of the City to settle this lawsuit for \$70,000.00, and the Plaintiffs' attorney has agreed to accept such a settlement;

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that \$70,000.00 be paid by the City of Atlanta to the Plaintiffs , Arthur and Mary Lee Fulmer, for the purpose of fully resolving all claims in the Lawsuit styled: Arthur and Mary Lee Fulmer v. City of Atlanta, State Court of Fulton County, Georgia, Civil Action No.: 00-vs-013235-G, provided that Plaintiffs dismiss the lawsuit with prejudice and execute a release satisfactory to the City Attorney; and

BE IT FURTHER RESOLVED that the City of Atlanta Department of Finance is authorized to issue a check for \$70,000.00 payable to the Plaintiffs and issued from account number 1A01/529017/T31001.

A true copy,

*Rhonda Daughlin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

OCT 07, 2002  
OCT 15, 2002

RCS# 4099  
10/07/02  
5:15 PM

Atlanta City Council

Regular Session

CONSENT I                    0613;1695;1544;1562;1581;1666;1551  
                              1668; Except CDHR #6-#10  
                              RECON/READOPT

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 5  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	Y Shook	NV Maddox	NV Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

CONSENT I

ITEMS ADOPTED ON CONSENT		10/07/02 Council Meeting
AGENDA		ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-1538	46. 02-R-1702	53. 02-R-1675
2. 02-O-1549	47. 02-R-1703	54. 02-R-1676
3. 02-O-1554	48. 02-R-1704	55. 02-R-1677
4. 02-O-1466	49. 02-R-1705	56. 02-R-1678
5. 02-O-1253	50. 02-R-1706	57. 02-R-1679
6. 02-O-1575	51. 02-R-1707	58. 02-R-1680
7. 02-O-1576	52. 02-R-1708	59. 02-R-1681
8. 02-O-1582		60. 02-R-1682
9. 02-O-1447		61. 02-R-1683
10. 02-O-1545		62. 02-R-1684
11. 02-O-1261		63. 02-R-1685
12. 02-O-1534		64. 02-R-1686
13. 02-R-1662		65. 02-R-1687
14. 02-R-1669		66. 02-R-1688
15. 02-R-1709		67. 02-R-1689
16. 02-R-1711		68. 02-R-1690
17. 02-R-1712		69. 02-R-1691
18. 02-R-1713		70. 02-R-1692
19. 02-R-1633		71. 02-R-1693
20. 02-R-1664		72. 02-R-1694
21. 02-R-1667		73. 02-R-1696
22. 02-R-1673		74. 02-R-1697
23. 02-R-1469		
24. 02-R-1642		
25. 02-R-1644		
26. 02-R-1649		
27. 02-R-1714		
28. 02-R-1727		
29. 02-R-1650		
30. 02-R-1651		
31. 02-R-1652		
32. 02-R-1653		
33. 02-R-1654		
34. 02-R-1655		
35. 02-R-1656		
36. 02-R-1657		
37. 02-R-1658		
38. 02-R-1659		
39. 02-R-1660		
40. 02-R-1718		
41. 02-R-1719		
42. 02-R-1698		
43. 02-R-1699		
44. 02-R-1700		
45. 02-R-1701		
Consent I Vote:		10Yeas; 0 Nays (See RCS #4099; Reconsidered See RCS #4043)
Items Removed from Consent:		02-R-1613; 02-R-1695; 02-O-1544; 02-O-1562; 02-O-1581; 02-R-1666; 02-O-1551; 02-R-1668; 02-O-1598; 02-O-1599; 02-O-1600; 02-O-1601; 02-O-1602

(Do Not Write Above This Line)

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*Boalwin R. Newell*  
Linda K. DiSantis, City Attorney

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

*PSLA*  
Committee

*10/14/32*  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other

Members  
*Walter A. Clark*  
*David J. S.*  
*Harold Stueck*

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

ADOPTED BY

*OCT 07 2002*

COUNCIL

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

*OCT 07 2002*

*OCT 07 2002*

*Franklin D. Johnson*  
MAYOR'S ACTION

MAYOR'S ACTION

*OCT 15 2002*

MAYOR